

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:09 CR 423-3
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
JULIO MUNZO-CALIXTO,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On September 23, 2009, the government filed a five-count Indictment, charging Defendant, Julio Munzo-Calixto with Illegal Reentry After Deportation in violation of Title 8 United States Code, Section 1326. Defendant Munzo-Calixto was arraigned on October 1, 2009, and entered a plea of not guilty to count 3 before Magistrate Judge Greg White. On November 24, 2009, Magistrate Judge William H. Baughman, Jr., received Defendant Julio Munzo-Calixto's plea of guilty to count 3 Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Munzo-Calixto is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Munzo-Calixto is adjudged guilty to Count 3 of the Indictment, in violation of Title 8 United States Code, Section 1326. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on January 5, 2010, at 9:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

January 5, 2009